IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.3617 OF 2005
IN
CRIMINAL APPEAL NO.535 OF 2005

Siddhappa Andappa Andodgi & anr. Petitioners

Vs.

The State of Maharashtra Respondent

Mr. R. M.Agarwal, Sr. Advocate with Mr. Girish Agarwal for petitioners.
Mr.A.M.Shringarpure, APP for State.

CORAM: S.S.PARKAR & ANOOP V. MOHTA,JJ.

September 26, 2005.

P.C.:

. Heard.

. It is argued that conviction is based on the solitary eye witness who is the child witness on the basis of whose evidence only appellants have been convicted and other four accused have been acquitted. Mr. Agarwal has produced the copies of the evidence. The learned Judge has relied and quoted from the portion of the evidence of the child witness PW 6 Shivlingappa who is the grandson of the deceased. He has deposed without omission and contradiction that applicant no.1-Siddhappa and applicant no.2-Basavraj had pressed the throat, neck and mouth of his grandfather Vitthal and took him off the bed. He has

further deposed that accused Siddhappa pressed the neck of his grandfather and accused Basavraj threw stones on the person of Vitthal to see whether Vitthal died or not. Thereafter he could not hear the voice of his grandfather Vitthal who was silenced forever. He has further stated that so far as other four accused are concerned, they were guarding when the applicant nos.1 and 2 were killing his grandfather. Thereafter all the accused managed to flee from the scene. Merely because the other accused have been acquitted, it cannot be said that the trial Court was wrong in convicting the appellants-accused on the basis of the aforesaid testimony of the child witness. In these circumstances, we reject this application for bail. On the request of the counsel for the applicants hearing of the appeal is expedited.

(S.S.PARKAR,J.)

(ANOOP V. MOHTA,J.)